

**UNIVERSITY OF LOUISVILLE
FACULTY SENATE
SPECIAL MEETING
JUNE 29, 2016**

CALL TO ORDER FOR THE SPECIAL MEETING

Stating that, in accordance with the Faculty Senate bylaws, upon being petitioned by at least sixteen elected faculty senators, a special meeting of the Faculty Senate can be convened, Vice Chair Trucios-Haynes called the meeting to order.

DISCUSSION ITEM: Leadership and governance issues stemming from the governor's executive orders issued on June 17, 2016

Opening the discussion, the Vice Chair stated that the sole purpose of today's meeting is to discuss the leadership and governance issues stemming from the governor's executive orders of June 17, 2016. The meeting is open and the process for today's discussion is as follows: faculty senators will be recognized first, followed by guest faculty.

Initiating the discussion, she gave a brief overview of the fast-changing events:

- June 17th - The governor issued executive orders that abolish the current UofL Board of Trustees.
- June 27th – The attorney general filed a restraining order and filed a motion in Franklin County Circuit Court to stop the governor's actions.
- June 28th - The Governor's Nominating Board forwarded 30 names to the governor for possible appointment to the UofL Board of Trustees, in accordance with the executive orders.
- June 29th – The governor released the names of the 10 appointed people to the reorganized University of Louisville Board of Trustees.

Recognizing the difficulty of the situation and the campus uncertainty of the legality of this new board, President Ramsey and Provost Pinto have been invited to this meeting to address any concerns. Connie Shumake was also invited to address any concerns regarding the SACS accreditation.

The three issues that will be the discussion topics are:

1. The Impact of the Executive Orders on University Governance
2. Reputational Issues and the University's Future
3. Budget Uncertainty and Impact on University Stakeholders

The discussion began regarding the impact of the executive orders on University governance. Concerns and questions that were raised included:

- The legality of the new board, if the process was not followed.
- That the nominations were put forward by the Governor's Nomination Board, which is believed to be out of compliance with legal representation requirements itself.
- The governor's authority in making the executive orders is questionable.
- The change in the number of committee members to 10, when the statute says 17, appears to reduce the University's status because UK, as the other research university has a larger number.
- Questions regarding the timeline for the legality to be determined.
- A call was made that this discussion must produce a document, available to the public, stating the Senate's position on the governor's actions.
- Questions how the governor promised, in March 2016, to fill the 2 vacant seats on the Board of Trustees with minority members, but did not, and now has 10 new people. Why didn't he just fill the 2 vacancies?
- The recently-dissolved board was also not legally-populated according to the voter registration/political party requirement.
- The newly-appointed board is also not legally-populated by gender.

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- Regarding the statement, the focus should be on the present situation and its effect on the future of the University and academic freedom.
- Our leadership needs to be intact to lead us forward, in this very sensitive time and to minimize the impact on the campus community. We should be free of political manipulations and not be disrupted with each newly-elected governor.

As President Ramsey and Provost Pinto entered the auditorium, Vice Chair Trucios-Haynes told them that the discussion had, so far, revealed the history of the political aspects of the board and how the process defined in the statute (KRS164.821) had been set aside by the governor's actions. Further, the concern that every newly-elected governor could take the same action. She said that there will be a tangible outcome of today's discussion.

She then asked Dr. Ramsey if he could update the Senate with any information. He said that he has as much information as anyone else, that the governor communicated the names of the 10 new Board of Trustees.

President Ramsey said that though the recent activity is distracting, he is staying focused on the University's mission and moving forward on the initiatives for growth. He said that when the Board of Trustees is legal, he will step down.

Other issues that were raised and discussed included:

- Asked why the governor's proposal of March 18th to fix the diversity issue by appointing 2 new members never happened. Dr. Ramsey replied that he was not privy to that information. The Justice Resource Center (JRC) filed suit to address the lack of diversity, but the political affiliation aspect was not the subject of their lawsuit.
- Another concern was raised about the continuance of academic freedom and shared governance when the governor has the power to abolish the board. Fear was raised that he could use his position to abolish programs and departments. Asked if he could ensure academic freedom and shared governance, President Ramey replied that for 14 years he has believed in and protected shared governance. Vice Chair Trucios-Haynes said that, perhaps, the larger concern is the political influence over the structure of the Board and its effect on the upcoming SACS accreditation.
- At this point, Interim Provost Pinto said that though the events are very challenging, business at the University is not going to stop. There was a log jam that brought University business to a standstill. The University could not move forward on promotion and tenure or the administrative appointments of deans. Taken in the context of what prompted the governor's actions, it was to ensure that the University could operate.
- Vice Chair Trucios-Haynes asked Assistant University Provost Connie Shumake what affect these events could have on the upcoming SACS accreditation. Ms. Shumake said regarding academic freedom, it is addressed in University's governing document, The REDBOOK. SACS expects the University to provide protection for academic freedom and that the Board will abide by the governing document. There is no history of issues regarding academic freedom and even with the current changes, she believes there is no reason to think that is the case now. The issue of possible undue political influence is covered in Accreditation Standard 3.2.4. This is a comprehensive standard, but one that would not keep the University from being reaffirmed. It is a standard that we will reply to if brought up. If SACS visits campus in the fall and its feedback assesses this as a problem, they can ask for a referral, or a monitoring report.

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- Responding to comments regarding how the budget cuts infringe on what courses can be offered and academic freedoms, Dr. Pinto said that extensive discussions with the campus community and came up with a very creative budget, in spite of a significant loss of state funding. He thinks all are committed to reducing costs to students. If faculty and staff are not well-compensated, the University cannot offer students the best education. That is the balance the budget tried to address. One of the agreed-upon objectives for the 21st Century is student success. He visited each academic unit and they were involved in decisions. With all the information available, he felt this was the best budget that he could operationalize for students. Some students are starting classes next week. The University had to move forward. Vice Chair Trucios-Haynes said that the Faculty Senate, via the Executive Committee, had input on the budget and it is difficult to know what the governor's intentions were. The Executive Committee felt the Credit for Credit program was a good idea to balance the tuition increase.
- The discussion continued regarding the governor's circumvention of the legal process for appointing board members.
- Discussion turned to the ownership of the The REDBOOK. It was noted it is the property of the Board of Trustees and it has the authority to revise it as it sees fit.
- In response to a concern regarding shared governance and the number of representatives of constituent groups, President Ramsey said that HB15, which restored voting rights on all matters to the constituency representatives on the board, was passed by the legislature.
- A motion to begin drafting a statement was made and seconded. The motion passed with 16 votes FOR, 12 votes AGAINST and 1 vote ABSTAIN. The discussion began with an opposition of including the phrase "undue political influence". The discussion went back and forth with some wanting to be forceful and others urged using caution. Former Faculty Senate Chair Bob Stenger advised not to "antagonize people you report to", saying every governor does things like this, it will wind itself down and the courts will ultimately decide. Some thought the language should appeal to protect the current rights and not become a cry against what could possibly happen, due to the governor's actions. More information may be known next week.

The meeting adjourned at 5 p.m.